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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/610,256	07/05/2000	Thomas Gotauco	2273/102	4720

33896 7590 10/28/2003

LAW OFFICE OF HERBERT A. NEWBORN  
7 EVERETT PAINE BLVD.  
MARBLEHEAD, MA 01945

EXAMINER
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NGUYEN, PHUNG

ART UNIT	PAPER NUMBER
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2632

DATE MAILED: 10/28/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/610,256	GOTAUCO, THOMAS	
	<b>Examiner</b>	<b>Art Unit</b>	
	Phung T Nguyen	2632	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 July 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Mostrom [ U.S. Pat. 5,921,355 ]

**Regarding claim 1:** Mostrom discloses an automobile anti-theft device which comprises all the subject matters as follow:

- a) A safety enhancer in the form of the Frustrator Model C, figure 1, col. 2, line 22.
- b) A controller is met by the bi-directional electric motor 9, figure 1, col. 2, lines 43.

The Frustrator Model C (safety enhancer) operated by the electric motor 9 (the controller) controlled by the ignition system (to activate or deactivate the safety enhancer by turning the motor on or off), col. 2, lines 13-18.

**Regarding claim 10:** Mostrom discloses the claimed powering the motor with the system, activating the device, and switching off the device which is met by the safety device is turned on and off by the ignition key, col. 2, lines 58-64.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-6, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hershberger [U.S. Pat. 4,485,375] in view of Mostrom [U.S. Pat. 5,921,355].

**Regarding claim 2:** Hershberger discloses a grip-responsive dozing driver alarm comprising:

a) The sounder 118 and the lamp 120 (a signal generator) capable of rousing the driver, figure 8, col. 5, lines 9-10.

b) The controller to activate the signal generator is met by the switches 80 and 82, figure 8, col. 5, lines 8-10.

Hershberger discloses the alarm system is activated when both the ignition switch and the enabling switch 224 are turned on, Figure 9, col. 5, lines 57-59. Hershberger fails to disclose the signal generator may only be deactivated by turning the motor off. However, Mostrom teaches that the safety enhancer is turned on or off by the ignition system as shown in figure 1, col. 1, lines 32-44. Therefore, it would have been obvious to one of ordinary skill in the art to utilize the teaching of Mostrom into the system as disclosed by Hershberger, so that once activated, the safety enhancer may only be deactivated by turning the motor off in order to increase safety.

**Regarding claim 3:** Hershberger discloses an electric buzzer 118, figure 8, col. 4, lines 30-36.

**Regarding claims 4 and 5:** Hershberger discloses the warning lamp 120, figure 8, col. 4, lines 30-36.

**Regarding claim 6:** Hershberger also discloses the enabling electric switch 224 as shown in figure 9, col. 5, lines 51-55.

**Regarding claim 11:** Hershberger discloses a stimulator for use by a sleepy driver col. 2, lines 37-42.

5. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hershberger in view of Mostrom, and further in view of Boser et al. [U.S. Pat. 5,389,913 ]

**Regarding claims 7 and 9:** The combination fails to disclose the changeover relay. However, Boser et al. disclose a warning system for vehicles comprising a relay 32 as shown in figure 2, col. 3, lines 8-15. It is seen that a relay is the device that responds to a small current or voltage change by activating switches, is old and well known in the art. Therefore, it would have been obvious to the skilled artisan to utilize the relay 32 of Boser et al. into the system as disclosed by Hershberger and Mostrom for providing a source of power to the safety enhancer.

**Regarding claim 8:** The combination does not disclose a diode as claimed. However, Boser et al. disclose the diode 28 as shown in figure 2, col. 2, lines 50-52. Therefore, it would have been obvious to one of ordinary skill in the art to include the diode 28 of Boser et al. into the system as taught by Hershberger and Mostrom for protecting the current lines impeding flow back through relay switch.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2632

a. Yanagishima et al. (U.S. Pat. 4,348,663) disclose a safety assurance system for road vehicles.

b. Williams et al. (U.S. Pat. 5,684,455) disclose a driver alert apparatus.

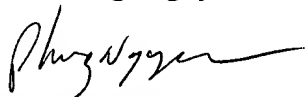
c. Savor et al. (U.S. Pat. 5,847,648) disclose an alarm and intermittent alaert system for vehicle operation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phung Nguyen whose telephone number is (703)308-6252. The examiner can normally be reached on Monday to Friday from 8:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu, can be reached on (703) 308-6730. The fax phone number for this Group is (703) 305-3988.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Examiner: Phung Nguyen



Date: October 8, 2003